

**At An Audit Meeting / Work Session**  
Of the Town Board of the Town of Newburgh held  
At 1496 Route 300 in said township at 7:00 P.M.  
On the 31<sup>st</sup> day of March

**ROLL CALL:** Wayne C. Booth, Supervisor  
George A. Woolsey, Councilman  
James E. Manley, Councilman  
Gilbert J. Piaquadio, Councilman

**ALSO PRESENT:** Mark C. Taylor, Attorney for the Town of Newburgh  
James W. Osborne, Town Engineer  
Andrew J. Zarutskie, Town Clerk  
Charlene M. Black, Deputy Town Clerk

**ABSENT:** Derek N. Benedict, Councilman

**1. Pledge of Allegiance to the Flag led by Chris Tighe, Colden Park**

**2. Additional Items for Discussion From Board Members**

Delete #4

Delete #10 a. & b.

Add new #10. a. Defibrillator & b. Court Officer for Justice Court

**3. Approval of Audit**

MOTION was made by Councilman Woolsey to approve the Audit as presented in the amount of \$876,207.94, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey - aye; Mr. Benedict - absent; Mr. Manley - aye; Mr. Piaquadio - aye; Mr. Booth - aye. Motion passed 4-0-1 absent.

**4. Code Compliance: Unsafe Building (57 Leslie Road)**

Taken off the agenda at this time.

**5. Comprehensive Plan:**

**a. Public Information / Input Meetings**

This is a request from James Osborne, Town Engineer, to approve the public information / input meeting for the Comprehensive Plan Update are proposed as follows:

Monday, April 26, 2004 at 7:00 P.M. at Meadow Hill School

Wednesday, May 19, 2004 at 7:00 P.M. and location to be announced.

MOTION was made by Councilman Woolsey to approve the above mentioned dates, times and locations (the other to be announced), seconded by Councilman Manley.

VOTE: Mr. Woolsey - aye; Mr. Benedict - absent; Mr. Manley - aye; Mr. Piaquadio - aye; Mr. Booth - aye. Motion passed 4-0-1 absent.

**4. Code Compliance: Unsafe Building (57 Leslie Road)**

Tom Dubetsky, Code Compliance Officer, came forward with an update on this property. Mr. Elcido Sanchez owns this property and has been in non compliance for some time now. His septic system is failing and he has not remedied the situation to date. There is court action at this point and the trial date has been set for May 11, 2004, pending that the steps will be taken to submit a plan to the Orange County Department of Health for proper repair of the system. At this time, Tom is withdrawing the Unsafe Building regulation. He has done an inspection at this property and there is no septic falling at this time. There has been dirt put in place to hold it but there has been no permanent solution. This has been an on going problem dating back to 1998. Councilman Manley asked if the septic is failing and Tom said they believe so, but Mr. Sanchez doesn't believe it is. That is why we asked them to take out a permit with the Orange County Department of Health. They submitted the plans submitted by Mr. Sanchez's engineer, Mr. Cuomo. They have asked for additional perk testing and more detailed mapping. At this point we need to take aggressive steps with Mr. Sanchez since he has not complied in the past.

**b. Reimbursement Agreement for Town Board Consultants**

Mark Taylor, Attorney for the Town, explained that this is a reimbursement agreement between the Town of Newburgh and the developer. If the developer needed to speak with the Town Board's consultants, they would need to fill out the agreement as presented and pay their escrow fee. All correspondence and documentation shall be submitted directly to the Supervisor and he will at his discretion forward it to the Town's consultants. The Town Engineer and the Town Accountant have a few revisions to make to this agreement. See the underlined areas of the draft attached.

MOTION was made by Councilman Woolsey to adopt the Reimbursement Agreement, seconded by Councilman Manley.

VOTE: Mr. Woolsey – aye; Mr. Benedict – absent; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4-0-1 absent.

**6. Engineering:****a. Purchase of Vehicle**

This is a request from Jim Osborne, Town Engineer, to approve the purchase of a 2004 Chevy Impala on NYS Bid for \$17,920.00. Monies (\$19,000.00) for this purchase was included in the recent bond authorization.

MOTION was made by Councilman Manley to approve the purchase of a 2004 Chevy Impala on NYS Bid for \$17,920.00 (money taken from the bond), seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – nay; Mr. Benedict – absent; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 3 aye - 1 nay - 1 absent.

**b. Willets Way Road Completion**

Supervisor Booth explained how he received a petition from the residents of Willets Way, which is a private road off Frozen Ridge Road. It is due to be dedicated but there are a few problems. Jim Osborne, Town Engineer, explained that the owner of the property, Beverly Cox, needs to bring the road up to Town Road specifications. Jim Osborne explained there are some minor punch list items that need to be addressed and Darrell Benedict, Highway Supervisor is inspecting. Jim also has some minor comments on the as builts before we can recommend this road for dedication to the legal department. This past winter the developer was doing as little as he could to maintain the road. We did receive numerous complaints about the condition of the road during snow storms. To date we have \$15,000.00 in security. The suggestion during in house talk, is to write to Mr. Cox and give him a fixed amount of time to complete the dedication package. If the time limit expires then the Town Board can step in and complete the work. Mark Taylor, Attorney for the Town, explained that completing the work is a fairly simple process but putting the road on the Town rolls is more complex. Supervisor Booth wanted to know what the estimated amount of work that needs to be done? Mr. Osborne said that the only outstanding punch list is making the ditches on the side of the road deeper. Counsel will draft a letter to the owners of the road that they have a 60 day deadline to complete the work on this property. Mark is to also to check on any legal procedures that the Board needs to do.

**7. Animal Control:****a. T-93 Account Expenditure / Feline Leukemia Test Kits**

This is a request from Mary Meyer, Animal Control Supervisor, to utilize the T-93 Account to purchase Feline Leukemia Test Kits and vaccines for the kittens and cats at the shelter. The cost for the Leukemia Test kits is \$269.70 and the vaccines cost \$105.14 for a total of \$374.84.

MOTION was made by Councilman Woolsey to approve the expenditure of \$374.84 from the T-93 Account for test kits and vaccines, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – absent; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4- 0 -1 absent.

**b. T-93 Account Expenditure / Feline Veterinary Services**

This is a request from Mary Meyer, Animal Control Supervisor, to utilize the T-93 Account to pay veterinarian bills for the treatment of cats at the shelter. The total of these bills is \$86.00. The Supervisor's office is to make up a certificate of appreciation to present to Flannery Animal Hospital for their help and courtesy prices.

MOTION was made by Councilman Manley to approve the expenditure of \$86.00 to pay the veterinarian bills, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – absent; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4- 0 -1 absent.

**c. Animal Population Control Program**

This is a two part item. The first part is an agreement between S.C.A.T.S., Inc. and the Town of Newburgh. This agreement is the same as the one prepared for Furever Animals with the clause in paragraph three that vouchers shall be accompanied by such documentation of expense as the Town may reasonably require. This is a separate agreement not to be included with the one with Furever Animals. (See attached agreement for verbage.) With us tonight is Nancy Bloomer, who is a volunteer for our shelter and she also acquires the donations from Verizon and Margaret Weber who is also a volunteer, fosters kittens / cats and with Nancy is involved with S.C.A.T.S.

MOTION was made by Councilman Manley to adopt the Reimbursement Agreement with S.C.A.T.S as outlined in Mark Taylor's memo, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – absent; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4- 0 -1 absent.

The second part of this item is the payment of vouchers that S.C.A.T.S. submitted for reimbursement. The vouchers are filled out, with corresponding checks that were paid out and pictures of the cats / kittens that have spayed or neutered and vaccinated. With this program the veterinarian needs to be paid up front before any procedures are done. Once the colony has been done they are checked and rechecked consistently to ensure all cats have been taken care of. They keep track of this by notching the tip of one ear. The vouchers that were presented were in the amount of \$555.16 to be taken out of the T-92 account. The only reason they use TARA, which is a mobile veterinarian clinic is they are rock bottom on there prices.

MOTION was made by Councilman Woolsey to approve the payment of the vouchers submitted by S.C.A.T.S. in the amount of \$555.16 to be taken out of the T-92 account, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – absent; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4- 0 -1 absent.

**8. Highway: Spring Leaf and Brush Pick Up**

This is a request from Darrell Benedict, Highway Superintendent, to schedule the Spring Leaf and Brush pick up. They would like to start picking up on April 19, 2004 until April 22, 2004. Bagged leaves and brush must be placed at the curb no later than 7:00 a.m. on the designated pick up date. Mr. Zarutskie, Town Clerk, will coordinate the advertising dates with Cathy Hughes, secretary to the Highway Superintendent.

MOTION was made by Councilman Piaquadio to approve the schedule for the Leaf and Brush pick up, seconded by Councilman Woolsey.

VOTE: Mr. Woolsey – aye; Mr. Benedict – absent; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4- 0 - 1 absent.

**9. Recreation Department:****a. Increase Boat Rental Fees**

This is a request from Gary MacEntee, Recreation Supervisor, to increase the boat rental fees at Chadwick Lake. The fee for resident / non senior is now \$3.00 and the increase would be to \$6.00. The fee for non resident is \$5.00 and the increase would

be \$10.00. A question of the senior rates came up and needs to be addressed before we vote on this. The Recreation Department is the only department that the fee schedule can be changed by Resolution. Even with the increase, this is very reasonable considering a new boat costs \$1,000.00. We will postpone this item until Monday night.

**b. Chadwick Lake Advertising Fees**

On March 10, 2004, a motion was made to take the funding for the legal advertising regarding Chadwick Lake from the Master Plan Reserve. The impression was that ALL legal advertising in relation to the Chadwick project was to be taken from that fund. That was not the case. The minutes specified the legal advertising for the Environmental Assessment only. We need to clarify this. Councilman Manley asked how much the ads were for and Mr. Zarutskie, Town Clerk, said they were under \$50.00. The Board suggested taking the cost out of the Town Clerk's advertising budget and if he comes short at the end of the year, we'll worry about it then.

MOTION was made by Councilman Piaquadio to take the advertising costs out of the Town Clerk's advertising budget, seconded by Councilman Manley.

VOTE: Mr. Woolsey – aye; Mr. Benedict – absent; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4- 0 - 1 absent.

**10. Police:**

**a. Purchase of Weapons - delete at this time.**

**b. Hiring of Police Officer – delete at this time.**

**New 10.a. Defibrillator**

Councilman Piaquadio asked to have this added on. The Lions Club of the City of Newburgh donated a defibrillator to the Recreation Department this week. These machines are very important because they do save lives. This machine comes with a training course. It's great to have one but somehow we should think about getting more for all our departments. Getting the funds for them is another problem because to buy them they are \$2600.00 a piece. Councilman Piaquadio is going to look into funding possibly by Senator Larkin's Office.

**New 10.b. Justice Court: Court Officer**

We have a vacancy effective today by Officer Wright who recently resigned. We are looking for a replacement. Chief Kehoe has submitted a request to hire which is scheduled for Monday night's meeting. The gentleman he is recommending is Dennis Spampinato. He has a pistol permit and will need to go through the required training. This is scheduled for Monday night's meeting.

**11. Personnel: Blood Borne Pathogens Class**

This is a request from Roseanne Smith, Administrative Assistant, to authorize her to schedule the mandatory Blood Borne Pathogen Class for all newly hired, safety sensitive employees. This is a two hour class and Tom Dubetsky, Fire Inspector, is certified to instruct this class. These classes could become costly with an outside agency, with some charging between \$15.00 - \$20.00 per person. In addition to new hire, every safety sensitive employee should receive a refresher course every year. Tom is willing to continue instructing these classes, however, is seeking some kind of compensation. Roseanne is asking the Town Board to consider paying Mr. Dubetsky \$150.00 per class and we may need to hold three classes this year. The employee takes the course, is given a brief written test and then is given the option to have the series three hepatitis b vaccine or decline. This requires a lot of paper work because we need to keep track of whether the employees declines or not. At any time the employee may change their mind about getting the vaccine. We do have an account set up at Medicus and give us a good rate on the vaccine. Once the person receives the last of the vaccine, it usually is nine years before it has to be given again. Tom was asked how many per class and he said twenty is sufficient. Councilman Woolsey wanted to know if these are going to take place during work hours? Roseanne said they can. Councilman Woolsey said what he is trying to get to is if we pay Tom a days pay and then pay him \$150.00 for the class, it seems to be double dipping. He

has nothing against Tom but he doesn't want to set a precedent. Supervisor Booth asked did Tom receive his training on Town time or personal time. If it is personal time then he should be compensated. Tom explained that he has an accumulation of training, EMT training on his own time, he's certified through OSCA which was through the Town but all the background and experience has been on his time. Councilman Piaquadio said we are fortunate enough to have Tom to do it in our. He doesn't feel that is double dipping. Look at the money we will be saving even if it is \$10.00 a person. Councilman Manley said we would be paying Tom as an expert in this field and doing a duty outside the scope of his job duty. Tom also is a defibrillator trainer and he is a qualified Confined Space person. Roseanne Smith explained how fortunate we are to have people who take the initiative to become qualified in other fields. This is going to be very time consuming since Tom would have to keep track a lot of records. Supervisor Booth suggested coming up with a stipend amount and see if Tom is agreeable to it or he can come up with an amount and bring it back to us. Roseanne is to look into outside agencies to see their cost and if they keep the record keeping.

## **12. Buildings and Grounds: Custodian Position**

This is a request from Les Cornell, Building & Grounds Superintendent, to move forward with the posting of the full time Custodian position at a rate of \$16.00. This is a level 2, non union position. Councilman Woolsey explained this position would be a direct under-link of the Superintendent of the Building & Grounds. We would like to promote within. Custodian Workers is the position below the Custodian. This has been a vacancy for some time. This amount was in Les' budget line.

MOTION was made by Councilman Piaquadio to authorize Roseanne Smith, Administrative Assistant, to post this position, seconded by Councilman Woolsey.

VOTE: Mr. Woolsey – aye; Mr. Benedict – absent; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4- 0 -1 absent.

## **13. Sewer:**

### **a. 2004 I & I Television Inspection**

This is a request from Jim Osborne, Town Engineer, to approve the preparation of a TV inspection contract and subsequent summary report for sewer main rehabilitations by Stearns & Wheler (S&W). We have line items in the various sewer districts for TV inspection. The four districts that have been identified as Algonquin, Fleetwood, Gidney and Meadow Hill North. They have an accumulative amount of \$12,000.00 for these inspections from account 8130.498.

MOTION was made by Councilman Woolsey to approve the proposal from Stearns & Wheler for the TV inspections, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – absent; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4-0-1 absent

### **b. Cornwall Builders Waiver (Michelle Drive)**

This is a request from Jim Osborne, Town Engineer, to approve the request for a waiver from the Town of Newburgh's requirements to connect to public sewers. They have submitted a plan with the dry line installation and lowest service elevation of the building. They acknowledged they have to execute the agreement. They are putting in a septic system in lieu of the sewer connection.

MOTION was made by Councilman Woolsey to grant a waiver to Cornwall Builders from the Town of Newburgh's requirements to connect to the public sewers, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – absent; Mr. Manley – nay; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 3-1 nay – 1 absent.

## **14. Town Clerk's Office: Welcome to Town of Newburgh Booklets**

This is a request from Andrew Zarutskie, Town Clerk, to have the Welcome to Newburgh booklets that Mr. Booth Clerk came up with when he was Town. Kathy Otis, who is his office made the booklet up. We pass out so many of them that we feel they should be done professionally. Evertt Smith, owner of the Sentinel, is the cheapest printer around and he can print 500 glossy booklets for \$485.00. A possibly

we have is to have St. Luke's Hospital to put an ad on the back and they will pick up part of the cost. Supervisor Booth said that St. Luke's did show an interest in placing an ad. Councilman Piaquadio doesn't feel this is a booklet for advertising but we should put it in a ring binder. Mr. Zarutskie doesn't feel ring binders would work because we hand out many during a week. Mailing is up to the Board. Supervisor Booth doesn't feel mailing is a good idea. Mr. Zarutskie suggested doing the 500 and see how many we give out in a three month duration. If it's less then three months and we use them up, then he will come back and ask for further authorization. Councilman Manley asked if Mr. Zarutskie had any money in his printing budget and he said no. The new public law that the Board passed in January ate up most of the budget. What about the suggestion of charging for the updates of the Code Book? Mr. Zarutskie asked Mark Taylor, Attorney for the Town, if we could do that this late in the game? Mark said we could start charging \$.25 per page. Mr. Zarutskie asked if the Board would like him to order the 500 or get three quotes. Supervisor Booth said he'd like some feed back before we order them and get back to Mr. Zarutskie. Supervisor Booth asked to have this brought back at the next Work Session.

**Adjournment**

MOTION was made by Councilman Piaquadio to adjourn the Audit Meeting / Work Session of March 31, 2004 at 9:13 P.M., seconded by Councilman Woolsey.

VOTE: Mr. Woolsey – aye; Mr. Benedict – absent; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4-0-1 absent.

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Andrew J. Zarutskie, Town Clerk

by

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Charlene M. Black, Deputy Town Clerk